

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE**

**AUGUST B. KREIS III,  
KARLEY D. KREIS,  
ABBAGALE R. KREIS,  
JULIUS Z. KREIS,  
GIDEON M. KREIS,  
Plaintiff(s)**

**vs.**

**TENNESSEE FARMERS  
INSURANCE COMPANY,  
JOHN ROBERTS,  
ELAINE ROBERTS  
Defendant(s)**

**CASE NO.**

**COMPLAINT**

**COMES NOW August B. Kreis III and Karley D. Kreis, sui juris, who are unschooled in law and moves this court to take Judicial Notice of the enunciation of principles as stated in Haines v. Kerner, 404 U.S. 519, wherein the court has directed that those who are unschooled in law making complaints shall have the court look to the substance of the complaint rather than the form.**

**CAUSE OF ACTION**

**The instant action arises from the defendant(s) operating in bad faith by not making plaintiff(s) whole because of the injuries sustained both physically and mentally through the actions of defendant(s) dog attacking our minor child while said dog was not under the supervision, care and control of owner(s).**

## VENUE

At all times relevant hereto the Jurisdiction over the Defendant(s) is proper because

plaintiff is invoking diversity of citizenship, as is their right.

### **PARTY(S)**

#### **Plaintiff(s);**

1. **AUGUST B. KREIS III, (hereinafter plaintiff(s)), is an adult individual whose place of residency is situate at 103 Rosemary Ave., Sebring, Florida 33875.**
2. **KARLEY D. KREIS, (hereinafter plaintiff(s)), is an adult individual whose place of residency is situate at 103 Rosemary Ave., Sebring, Florida 33875.**
3. **ABBAGALE R. KREIS, (hereinafter plaintiff(s)), is a minor individual whose place of residency is situate at 103 Rosemary Ave., Sebring, Florida 33875.**
4. **JULIUS Z. KRIES, (hereinafter plaintiff(s)), is a minor individual whose place of residency is situate at 103 Rosemary Ave., Sebring, Florida 33875.**
5. **GIDEON M. KREIS, (hereinafter plaintiff(s)), is a minor individual whose place of residency is situate at 103 Rosemary Ave., Sebring, Florida 33875.**

#### **Defendant(s);**

6. **JOHN ROBERTS, (hereinafter defendant(s)), is an adult individual whose place of residency is situate at 240 Hunter Ridge Road, Madisonville, Tennessee 37354.**
7. **ELAINE ROBERTS, (hereinafter defendant(s)), is an adult individual whose place of residency is situate at 240 Hunter Ridge Road, Madisonville, Tennessee 37354.**
8. **TENNESSEE FARMERS INSURANCE COMPANY, (hereinafter defendant(s)), whose place of business is situate at 3939 Western Avenue, Suite A, Knoxville, Tennessee 37921.**

**FACTS APPLICABLE TO ALL COUNTS**

- \_\_\_\_ 9. On or about September 26, 2003 plaintiff(s) were in Madisonville, Tennessee in the process of locating a dwelling and it was taking longer than expected.
- \_\_\_\_ 10. During the time plaintiff(s) were in Madisonville, Tennessee looking to attain a dwelling, plaintiff(s) stayed at a hotel.
11. On or about the morning of September 26, 2003, Defendant JOHN ROBERTS stopped by Plaintiff(s) hotel room to speak to plaintiff AUGUST B. KREIS III, with a request to come to help clean defendant JOHN ROBERT'S vinyl siding on his home.
12. Shortly thereafter plaintiff AUGUST B. KREIS III brought his family to defendants' house, (JOHN ROBERTS), at his request, with said defendant stating that the family was cooped up too long at the hotel.
13. Plaintiff(s) arrived at Defendant(s), JOHN ROBERTS home and were there for approximately 30 minutes, with plaintiff, AUGUST B. KREIS III, in the back yard, scrubbing the ROBERT'S homes vinyl siding.
14. Defendant, JOHN ROBERTS had run to store for another scrub brush and defendant, ELAINE ROBERTS was inside the home on the telephone, with plaintiff(s) children playing outside.
15. Plaintiff, ABBAGALE R. KREIS was playing on front porch as plaintiff, KARLEY D. KREIS held her son Eddie and witnessed defendant's JOHN and ELAINE ROBERT'S Dog PEANUT, run full force up steps of porch, knocking down, and then attacking and mauling plaintiff ABBAGALE R. KREIS'S face.
- \_\_\_\_ 16. Plaintiff KARLEY D. KREIS ran up to plaintiff ABBAGALE R. KREIS and scooped her up and to chase off the defendant(s) dog, PEANUT.
17. Plaintiff ABBAGALE R. KREIS was screaming for help and crying out in pain as Plaintiff KARLEY D. KREIS held on to her as Plaintiff KARLEY D. KREIS began to scream for help, Plaintiff ABBAGALE R. KREIS was bleeding profusely from her face.
- \_\_\_\_ 18. Defendant Elaine Roberts heard Plaintiff KARLEY D. KREIS screaming for help and appeared at the front porch of the home and grabbed Plaintiff ABBAGALE R. KREIS from Plaintiff KARLEY D. KREIS and took Plaintiff ABBAGALE R. KREIS to a bathrom and administered first aid.

19. Plaintiff(s) JULIS Z. and GIDEON M. KREIS were playing close by and witnessed the attack by defendant(s) JOHN and ELAINE ROBERTS dog PEANUT upon Plaintiff ABBAGALE R. KREIS and were in shock and fear.
20. Plaintiff AUGUST B. KREIS III, was immediately summoned by plaintiff KARLEY D. KREIS from the rear of the defendant(s) home, to view the injuries of his daughter, plaintiff ABBAGALE R. KREIS.
21. Plaintiff AUGUST B. KREIS III was terrorized and fearfully alarmed at the sight of his daughter Plaintiff ABBAGALE R. KREIS'S injuries.
22. Plaintiff ABBAGALE R. KREIS suffered puncture bites totaling seven, three puncture bites located below her chin, two deep lacerations across the bridge of her nose and two lacerations above and below her right eye. See Photographs Exhibit ("A")
23. Defendant(s) JOHN and ELAINE ROBERT'S dog PEANUT, was never vaccinated up to and including the date of this attack as expressed to duty nurse at Woods Memorial Hospital by Defendant ELAINE ROBERTS.
24. Plaintiff ABBAGALE R. KREIS was prescribed antibiotics by an attending physician at the local emergency ward, her wounds were not stitched because of the possibility of infection from said bites because of the lack of vaccinations as required to said dog PEANUT.
25. Defendant(s) JOHN and ELAINE ROBERTS were cited for this incident which was reported by the attending duty nurse of Woods Memorial Hospital to the Madisonville Police Department.
26. Defendant(s) dog PEANUT was not penned or observed as per 27. Plaintiff AUGUST B. KREIS III, after the incident, approached, in a good faith effort to resolve the instant matter was told by defendant JOHN ROBERTS, to get a lawyer and sue him.
28. Defendant(s) JOHN and ELAINE ROBERT'S dog PEANUT is a serial maunder. PEANUT has attacked 3 other individuals of record.
29. Defendant(s) JOHN and ELAINE ROBERTS never noticed Plaintiff(s) that their dog PEANUT attacked other individuals and or protected them from being harmed by same.
30. Defendant(s) TENNESSEE FARMERS INSURANCE COMPANY'S Gregory Dunn has made offers to settle out of court without actually presenting to Plaintiff(s) a check to complete his final offer of \$25,000.00 of which now is in bad faith. See Exhibit ("B")

**RELIEF**

**WHEREFORE, plaintiff's request that this Honorable Court:**

- (A) Award Plaintiff's compensatory damages in the amount to be proven at trial and / or award plaintiff's damages in excess of \$75,000.00.**
- (B) Award Plaintiff's cost of this action.**
- (C) Award Plaintiff's punitive damages in the amount of three times the total compensatory damages awarded.**
- (D) Award such other and further relief as this court may deem appropriate.**

**DATED: September, 23 2004.**

**Respectfully submitted,**

August B. Kreis III ucc 1-207 **AUGUST B. KREIS III**

Karley D. Kreis ucc 1-207 **KARLEY D. KREIS**

By: August B. Kreis III ucc 1-207 **By: ABBAGALE R. KREIS**

By: August B. Kreis III ucc 1-207 **By: JULIUS Z. KREIS**

By: August B. Kreis III ucc 1-207 **By: GIDEON M. KREIS**

## **VERIFICATION**

**I, August B. Kreis III and Karley D. Kreis herein, verify that the statements made in the foregoing Plaintiff's Complaint are true, correct and not misleading. We understand that false statements herein are made subject to the penalties relating to unsworn falsification to authorities.**

August B. Kreis III ucc 1-207 **AUGUST B. KREIS III**

Karley D. Kreis ucc 1-207 **KARLEY D. KREIS**

**CERTIFICATE OF SERVICE**

I, August B. Kreis III and Karley D. Kreis, has / will have served upon  
TENNESSEE FARMERS INSURANCE COMPANY and JOHN and  
ELAINE ROBERTS a copy of the COMPLAINT filed on September , 2004 in  
the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF  
TENNESSEE.

August B. Kreis III UCC 1-207 AUGUST B. KREIS III  
Karley D. Kreis UCC 1-202 KARLEY D. KREIS

DATED:     /     / **2004**